
INSPECTION SUMMARY REPORT
New York State Department of Labor Asbestos Control Bureau
CASE NUMBER : 26021959 **PROJECT SITE : 68 Church St.**
Canajoharie, NY

VIOLATIONS ISSUED TO: Michael Moscato dba M&M Consulting & Contracting Inc.
159 Mallory Ave
Jersey City, NJ 07304

Inspection Date: 02/10/2014
Violation Issued: 02/18/2014

56-5.1.J Unidentified and Unassessed Asbestos

Violation Status: Issued
Created By: Jason Pensabene

When any construction activity, such as demolition, remodeling, renovation or repair work, reveals PACM or suspect miscellaneous ACM that has not been identified by the asbestos survey per this Part, or has not been identified by other inspections as per current OSHA or EPA requirements, all activities shall cease in the area where the PACM or suspect miscellaneous ACM is found and the Asbestos Control Bureau shall be notified by telephone by the building/structure owner or their representative, followed with a written notice in accordance with the notification requirements of this Part. Unassessed PACM or suspect miscellaneous ACM shall be treated and handled as ACM and assumed to be ACM, unless proven otherwise by standard EPA and OSHA accepted methods, including multi-layered systems sampling protocols; subsequent analyses performed by a laboratory that meets the requirements of Section 56-4.2 of this Part; and the analyses satisfies both NYS ELAP and federal requirements, including multi-layered sample analyses, to document nonasbestos containing material.

Inspector's Observations: The contractor was working in an area that had not been surveyed for asbestos and contained suspect asbestos debris.

VIOLATIONS ISSUED TO: Nathan H. Kelman, Inc.
41 Euclid St.
Cohoes, NY 12047

Inspection Date: 02/10/2014
Violation Issued: 02/18/2014

56-5.1.J Unidentified and Unassessed Asbestos

Violation Status: Issued
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Inspector's Observations: The contractor was working in an area that had not been surveyed for asbestos and contained suspect asbestos debris.

VIOLATIONS ISSUED TO: Todd Clifford dba T.D. Development, LLC
720 Eagle View Ct
Mason, OH 45040

Inspection Date: 02/10/2014
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56-5.1.A Asbestos Survey Required

An owner or an owner's agent, except the owner of one and two-family dwellings who contracts for, but does not direct or control the work, shall cause to be conducted, an asbestos survey completed by a licensed asbestos contractor using inspectors certified in compliance with Section 56-3.2(d), to determine whether or not the building or structure, or portion(s) thereof to be demolished, renovated, remodeled, or have repair work, contains ACM, PACM or asbestos material. This asbestos survey shall be completed and submitted as indicated in Subdivision (g) of this Section, prior to commencing work. All such asbestos surveys shall be conducted in conformance with the requirements of Subdivision (e) of this Section.

Inspector's Observations: There was no asbestos survey for this project.

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2/10/2014 - Inspected By: Jason Pensabene

Approximately 1:00 PM on 2/10/14, Inspectors Jason Pensabene and Peter Russo arrived in Canajoharie in response to a complaint. The complainant alleged that a contractor was disturbing asbestos while removing scrap from the former Beech Nut plant. The inspectors parked outside of a garage door leading to the warehouse/manufacturing portion of the facility where they met with N.H. Kelman Sup Skip Whitman. The Sup stated that they were removing scrap from the building, but that they were staying away from all of the insulated pipes. He did not think there was an asbestos survey for the building. The inspectors donned respirators and Sup Whitman led the inspectors to the area where they were working. There was no evidence of TSI disturbance in the immediate area where the contractor was working. Insp Pensabene continued to check the area and Insp Russo went to check the dumpsters.

N.H. Kelman was working on one side of a large manufacturing area. All of the machinery was gone. Sup Whitman stated that the machinery was gone before the property was bought by current owner Todd Clifford ((513)266-6414). On the side of the area that had not yet been worked on by Kelman the inspector found TSI debris on the ground under some damaged pipes (photos and samples collected). The inspector asked Sup Whitman to have all of his employees stop working. Sup Whitman stated that there was one other contractor working in the building and led the inspector to where the contractor was working.

The other contractor was working in an electrical room of the same building removing copper wire for salvage. The inspector spoke to M&M Employee Tom Delisle who stated that he was not a supervisor, but that he was the most senior employee on site. The inspector explained that work had to stop until the building could be surveyed for asbestos. The contractor stopped working and called the supervisor who had just left the site before the inspector's arrival. Mr. Delisle led the inspector to the M&M dumpster. The container was empty except for a couple pieces of bare metal. The inspector told him that the containers could be returned, but that no more material could be removed from the buildings until after a survey and assessment was completed.

The inspector exited the building and met with Insp Russo who stated that there was nothing except bare metal in the Kelman containers also. Insp Russo had told the contractor that they could remove the containers.

Outside the building the inspectors met with M&M Sup Jeffery Nupslinger ((201)993-3967). He understood the need for a survey and abatement. Sup Nupslinger stated that M&M was owned by his brother Michael Moscato ((201)923-6336).

Sup Whitman and Sup Nupslinger asked if they could remove their tools from the building. Insp Pensabene stated that since he had not seen any disturbance of suspect materials near where either contractor was working that they could remove their tools and equipment. The inspector explained that since the building was going to be tagged they had to get the equipment out by the end of the day. Both contractors stated that they would not have a problem getting their stuff out the same day.

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The inspector then called Owner Todd Clifford (TD Development, LLC). Mr. Clifford stated that he had a survey for the office building (which had not been worked on yet), but that he did not yet have a survey for the warehouse/manufacturing buildings (which were scheduled for demo). Mr. Clifford stated that he had already arranged for Churchill to consult on the project, but that they had not started yet. He stated that he is only familiar with Ohio asbestos regulations which do not prohibit pre abatement demo of non asbestos building materials. Insp Pensabene explained that NY requires abatement first to prevent accidental disturbance of ACM. He also informed Mr. Clifford that asbestos contamination had been observed in the building that would have to be delineated by licensed contractors in a contamination assessment. The inspector explained that the project would have to be suspended until he had the building assessed and surveyed and then notified by licensed contractors for abatement. Mr. Clifford stated that he already scheduled a flight to NY later in the day to meet with asbestos contractors.

Insp Pensabene contacted ACB Sup Chris Tarbox by phone and it was agreed that the project should be suspended.

Insp Russo hung suspension placards on the building and the inspectors circled the plant to make sure no other contractors were on site before leaving.

NOVs were reviewed by ACB Sup Chris Tarbox prior to issuance:

Todd Clifford dba T.D. Development, LLC:

- 56-5.1.a

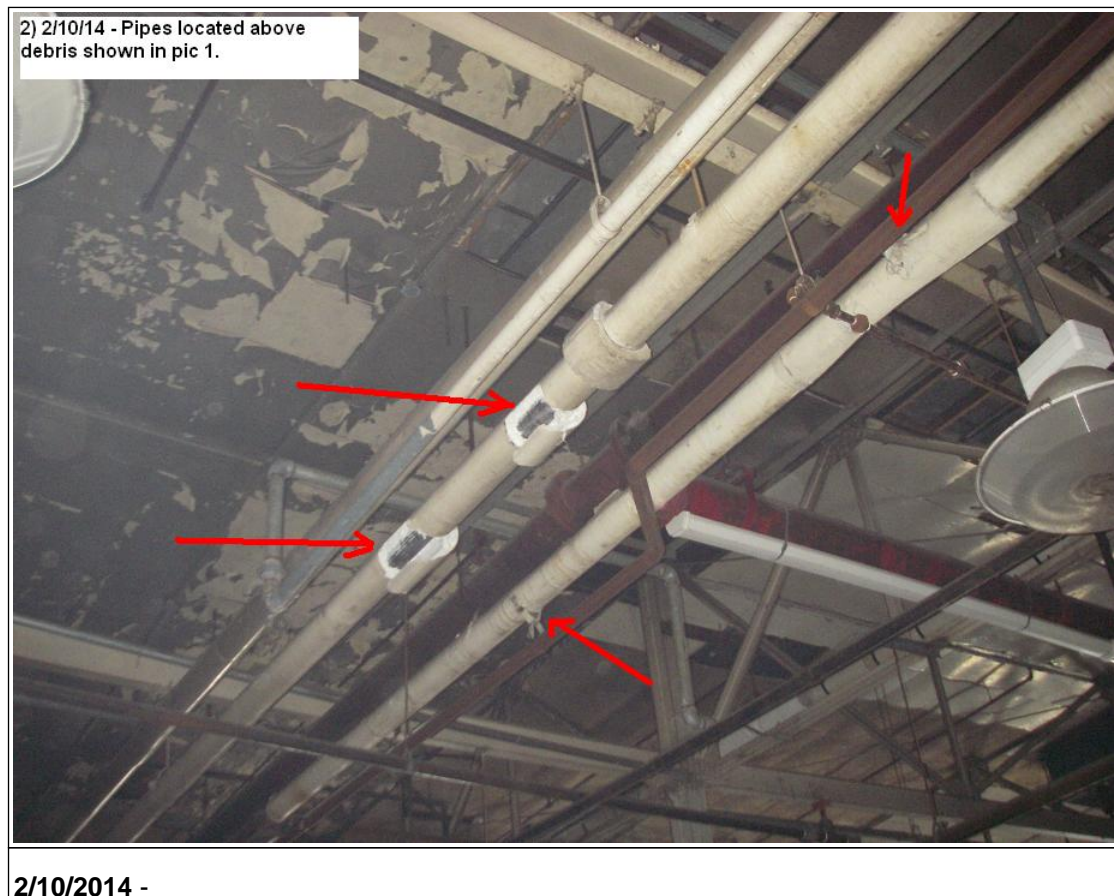
Nathan H. Kelman Inc.:

- 56-5.1.j

Michael Moscato dba M&M Consulting & Contracting Inc.:

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1) 2/10/14 - Debris located beneath pipes
shown in pic 2.



2/10/2014 -